

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

JOSE MALDONADO,
Plaintiff

v.

JOSHUA A. FILUTZE,
Defendant

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: Docket No. 1:23-cv-00068
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: *Electronically Filed*
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: **JURY TRIAL DEMANDED**

PLAINTIFF'S MOTION FOR LEAVE TO FILE SUR-REPLY BRIEF

NOW COMES the Plaintiff, Jose Maldonado, by counsel and respectfully moves this Honorable Court for leave to file a Sur-Reply Brief, respectively representing:

1. Defendant has filed a Motion pursuant to F.R.C.P. 12(B)(6), seeking dismissal of this action based on evidence outside the Complaint, a video recording of Plaintiff's vindictive ex-wife making a series of false and incredible statements to Defendant in the hope that Plaintiff would be arrested and thus punished for his perceived failings as a husband. She succeeded. Plaintiff was arrested with a warrant based on these false statements and jailed for 161 days before the charges were dismissed by the Court for lack of probable cause.

2. Plaintiff has filed a Brief in Opposition.

3. Defendant has filed a Reply to Plaintiff's Opposition Brief, claiming that Plaintiff has offered no authority to support the proposition that a warrant issued based on evidence that is not credible or highly doubtful constitutes probable cause.

4. Plaintiff wishes to respond to this and is attaching a copy of the proposed

Brief.

WHEREFORE, Plaintiff respectfully moves for leave to file the attached Sur-Reply Brief.

Respectfully submitted,

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